

IN SENATE OF THE UNITED STATES.

FEBRUARY 29, 1848.

Submitted, and ordered to be printed.

Mr. BREESE made the following

REPORT:

[To accompany bill S. No. 157.]

*The Committee on Public Lands, to whom was referred the petition of David H. Leeper, submit the following communication:*

GENERAL LAND OFFICE,  
September 29, 1847.

SIR: I have received your communication of the 14th instant, enclosing a certificate of that date from the recorder of Callaway county, Missouri, and also a letter, of the 9th instant, from David H. Leeper, having reference to the New Madrid location, under certificate No. 52, in the name of Joseph Dutailis.

The location for Dutailis covers the north half of section 19, and the greater part of the south half of section 18, in township 49 north, of range 9 west. The south of section 18 it appears was purchased as public lands on the 22d June, 1819, by Beattie and Alexander, and relinquished by them to the United States on the 14th August, 1821, under the act of Congress approved 2d March, 1821, entitled "An act for the relief of the purchasers of public lands prior to the first day of July, eighteen hundred and twenty."

The 10th section of said act of 2d March, 1821, exempts such relinquished lands from sale for two years "after the surrender thereof," consequently the said south half of section 18 was not liable to sale until after the 14th August, 1823.

The 2d section of the act of 26th April, 1822, entitled "An act to perfect certain locations and sales of the public lands in Missouri, limits the time for locating New Madrid claims to the 26th April, 1823.

If the location in question was made within the period thus limited, and it is believed it was, as Mr. Leeper refers to certificate No. 52 as located the 25th of April, 1823, it must have been made when the said south half was not liable to sale under the aforesaid 10th section of the act of 2d March, 1821, and as the New Madrid act of 17th February, 1815, confines the location of such claims to lands, "the sale of which is authorized by law," it follows that the location in question, to the extent that it covers the south half

of section 18, is not authorized by law, and that, before a patent can issue, the parties interested will have to obtain further legislation confirmatory of said location.

• The basis of a patent for a regular and legal New Madrid location is the patent certificate of the recorder at St. Louis, accompanied by a transcript of the approved plat of survey. Such papers are not found on our files for the location in question, and, before the return of them in this case, the legislation above referred to is, of course, pre-requisite.

A copy of this will be sent to the recorder at St. Louis, Missouri. In reference to an inquiry from you, which I find on file, relative to the *Duchoquet* claim, I herewith enclose a copy, from the record, of a letter to you of the 29th November, 1843, from this office.

Very respectfully, your obedient servant,

RICHARD M. YOUNG,  
*Commissioner.*

NATHAN KOWNS, Esq.,  
*Fulton P. O., Callaway county, Missouri.*